

**SAN JOSE**

THE LETITIA BUILDING  
70 S FIRST STREET  
SAN JOSE, CA 95113-2406  
T 408.286.9800  
F 408.998.4790

**PALO ALTO**

200 PAGE MILL ROAD  
SUITE 200  
PALO ALTO, CA 94306-2062  
T 650.804.7600  
F 650.804.7630



**MAILING ADDRESS**

PO BOX 1469  
SAN JOSE, CA 95109-1469  
hopkinscarley.com

August 2, 2013

DOUGLAS B. AIKINS  
daikins@hopkinscarley.com  
408-299-1325  
Fax 408-938-6298



Mr. Brad McCrea  
Regulatory Program Director  
Bay Conservation and Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

**Re: Westpoint Harbor; Amendment No. Five to BCDC Permit No 2002.002  
("Permit")**

Dear Mr. McCrea:

Your letter ("Letter") dated July 16, 2013 requested that Westpoint Harbor "provide a list of proposed permit language changes in writing." I have enclosed that list, in the form of a red-lined, amended copy of the most current version of the Permit ("Corrected Permit").

I also have enclosed a supporting document ("Westpoint Staff Report") entitled "Corrected BCDC Amendment 5, Staff Report (7/30 mls)". You will notice that the Corrected Permit accompanies most of its text amendments with numbered "notes." These correspond to the sequential "notes" in the Westpoint Staff Report. Each note summarizes the rationale or history supporting each significant Permit text amendment.

This is to request a meeting with you within ten (10) days, to bring closure to the issues reflected in the proposed Permit amendments. Mr. Mark Sanders and I (at a minimum) would attend on behalf of Westpoint Harbor. Mr. Sanders is prepared to bring extensive file documents, correspondence and graphic exhibits supporting all of the Corrected Permit's text amendments and all of the statements in the Westpoint Staff Report.

According to your Letter, agreement on final text of the Corrected Permit will bring the Westpoint Harbor "back into compliance" with the Permit, and stop the accrual of fines. As you will see from the Westpoint Staff Report, literally none of the alleged "violations" or "noncompliance" matters ever was factually or legally justified. Resolution of all of the regulatory policy issues detailed in the Corrected Permit must be accompanied by resolution of all past and pending "enforcement" proceedings.

Administrative determinations that (A) the Corrected Permit establishes a sound design and operational plan for Westpoint Harbor development, (B) the Corrected Permit eliminates any

Mr. Brad McCrea  
August 2, 2013  
Page 2

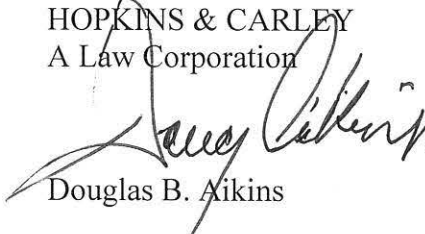
basis for current "noncompliance" allegations, and (C) previous "noncompliance" allegations were unfounded, will eliminate any necessity for "appeals" of accrued fines.

In my opinion, it is well past time for the tortuous, multi-year history of BCDC's administration of the Permit to come to an end. Lost in lingering bureaucratic minutiae is the overarching reality that Westpoint Harbor is the most modern, best-designed and most environmentally responsible facility providing public access to San Francisco Bay. It embodies all of the goals, objectives and regulatory requirements imposed by the McAteer-Petris Act, the San Francisco Bay Plan, vested land use regulations approved by the City of Redwood City, and all of the technical regulations imposed by various state and federal jurisdictions. Most importantly, its sole purpose and function is to provide access by boaters and other visitors to the entire southern half of San Francisco Bay, where there was none before.

On behalf of Westpoint Harbor, we look forward to resolving all of the substantive and "enforcement" issues described herein without further delay. Please feel free to contact me directly if I can answer any questions.

Very truly yours,

HOPKINS & CARLEY  
A Law Corporation



Douglas B. Aikins

DBA/jl

Enclosures

cc: Mr. Mark Sanders, Ms. Maureen O'Connor Sanders; Westpoint Harbor, LLC